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November 14, 2002

Mr. Walt Ireland, Vice Chairman
IWG-6

Dear Walt:

I have read the NTIA proposal for Agenda Item 1.36. I have discussed this with my colleagues at the NASB, and we feel that the NTIA has taken a very narrow and indefensible position as regards the band expansions needs of the Broadcasters.

The Broadcasters, in our position paper on AI 1.36, which was accepted by the IWG-6 on June 20, 2002 and later approved by the WAC without reservation, have clearly shown that there now exists substantial use of the bands claimed as "extensively used" by the fixed and mobile services. This out-of-band use by the Broadcasters, on a non-interference basis, is in the bands now allocated to the Fixed Services. The FCC can document that this use by the Broadcasters, by and large, has presented no adverse affect on the Fixed Services, because the Fixed Services **do not use these bands**. If there existed the "extensive use" as claimed by the NTIA, then there would be a large number of collisions and complaints logged by the FCC, and this is clearly not the case.

Therefore, we feel that our Position Paper on Agenda Item 1.36 be upheld, and the NTIA proposal should not be considered.

The Broadcasters remain willing to discuss a compromise position on this agenda item, and we are willing to work in good faith with the NTIA on this. We feel that the IBB draft proposal presented by Dr. Don Messer at the October 14 Reconciliation Meeting is a good starting point for a compromise position. If the NTIA will also come to this same agreement on the IBB proposal, then I feel a suitable compromise can be reached.

Thank you for hearing our objections to the NTIA Proposal.

Sincerely,

C. E. Evans
NASB President